IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

WP(C).No. 5264 of 2004(B)

PETITIONER:

REGIMOL PHILIP,
MUNDATTUCHUNDAYIL HOUSE, EDAMATTOM P.O.,
MEENACHIL, PALA VIA., KOTTAYAM DISTRICT.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA.

RESPONDENTS:

1. **STATE OF KERALA,**
   REP. BY ITS SECRETARY TO GOVERNMENT,
   DEPT. OF GENERAL EDUCATION, GOVT.SECRETARIAT,
   THIRUVANANTHAPURAM.

2. **THE ASSISTANT EDUCATIONAL OFFICER,**
   ETTUMANOOR, KOTTAYAM DISTRICT.

3. **THE MANAGER,**
   ST.JOSEPH'S L.P.SCHOOL, KUMMANNOOR,CHERPUNKAL P.O.
   PALA VIA., KOTTAYAM DISTRICT.

4. **SUNNY JACOB,**
   KALEKATTIL HOUSE, MANAGER, ST.JOSEPH'S L.P.SCHOOL,
   KUMMANNOOR, CHERPUNKAL P.O., PALA VIA.,
   KOTTAYAM DISTRICT.

BY ADV. SRI.P.RAMAKRISHNAN,
GOVT. PLEADER SRI. MANOJ.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.5264/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE ORDER OF APPOINTMENT DTD. 10/02/99 ISSUED BY THE R.3.

EXT.P.2: COPY OF THE ADVERTISEMENT PUBLISHED BY THE R.3. IN THE DEEPIKA DAILY DTD. 30/01/99.

EXT.P.3: COPY OF THE PROCEEDING OF THE R.3. DTD. 28/12/99 ADDRESSED TO THE R.2.

EXT.P.4: COPY OF THE DECLARATION DTD. 10/02/99 FILED BY THE R.3. BEFORE THE R.2.

EXT.P.5: COPY OF THE JUDGMENT DTD. 13/02/2002 IN O.P. NO. 9508/99 OF THIS HON'BLE COURT.

EXT.P.6: COPY OF THE REPRESENTATION DTD. 10/09/2002 FILED BY THE PETITIONER BEFORE THE R.2.

EXT.P.7: COPY OF THE REPRESENTATION DTD. 02/04/2003 FILED BY THE PETITIONER BEFORE THE R.1.

EXT.P.8: COPY OF THE JUDGMENT DTD. 06/06/2003 IN W.P.(C). NO. 17604/2003 OF THIS HON'BLE COURT.

EXT.P.9: COPY OF THE G.O. (RT). NO. 4208/03/G. EDN. DTD. 17/10/2003 OF THE R.1.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P(C)No. 5264 of 2004

Dated this the 28th day of March, 2007

JUDGMENT

Petitioner is aggrieved by Ext.P9 order passed by the Government refusing to grant salary for the period she worked in the school under the 3rd respondent from 10-2-1999 to 8-7-2002. It is seen from the order itself that the petitioner was aware of a rival claimant at the time of her appointment and that her claim for salary would be subject to the claim of the rival claimant. It is also seen that the petitioner had executed an agreement with the Manager that she would not make any claim in respect of any employment in the school and that she would abide by the outcome of Writ Appeal No.704/2002 pertaining to the appointment of the rival claimant. In view of such developments there is absolutely no fairness on the part of the petitioner in claiming the salary.

The writ petition is accordingly dismissed.

(KURIAN JOSEPH, JUDGE)

ahg.